

APPLICATION NUMBER		22/00575/FUL	
SITE ADDRESS:		Darwin House, Sydnoppe Hill, Darley Moor, Matlock	
DESCRIPTION OF DEVELOPMENT		Retention of change of use of land and building to mixed agricultural and equestrian use	
CASE OFFICER	Mr. G. A. Griffiths	APPLICANT	Ms I Clayson
PARISH	Darley Dale	AGENT	J C Harrison Planning & Admin Services
WARD MEMBERS	Cllr. J. Atkin Cllr. M. Slat Cllr. A. Statham	DETERMINATION TARGET	28 th August 2022
REASON FOR DETERMINATION BY COMMITTEE	Major Application	REASON FOR SITE VISIT (IF APPLICABLE)	N/A

MATERIAL PLANNING ISSUES

- Principle of the development
- Impact on the character and appearance the landscape
- Impact on residential amenity
- Highways matters
- Flooding and drainage

RECOMMENDATION

Planning permission be granted subject to conditions with regard to highway and amenity matters.

1. THE SITE AND SURROUNDINGS

- 1.1 The application site is an open field adjacent to the existing dwelling which is prominently located adjacent to the highway. There is a stone boundary wall to the roadside. The site is relatively level. The site is located away from any settlement in open countryside.
- 1.2 Within the field there has been a recently constructed building to house livestock and store fodder and implements and a manège area formed further to the granting of planning permission in June 2018 (ref: 18/00447/FUL).



2. DETAILS OF THE APPLICATION

- 2.1 Retrospective planning permission is sought for a change of use of land and use of the agricultural building for a mixture agricultural and equestrian use. In June 2018 the applicant was granted permission for the manège to exercise her own personal horses that, at the time, were stabled at a neighbouring farm. Since then, the stabling has become unavailable for use and recently constructed agricultural building has been used for stabling and the land for grazing for the horses alongside sheep.
- 2.2 The applicant is now having to sell the property and accompanying land and seeks to ensure that it is sold with the correct permissions and, as such, is seeking a retrospective change of use of the land and building to mixed use agricultural and equestrian, for which it has been used over the last couple of years. The granted building and manège have both been built to a good standard and the surrounding land maintained to a high standard, with all hardstanding and fencing in a good condition. The building would comprise four stables, a storage area, wash area and grooming area.
- 2.3 With regards to the sheep, it is advised that it is a common occurrence that they are kept for cross grazing with the horses as the sheep are not selective grazers and can therefore prove beneficial in helping to graze down areas of rough grass that horses avoid. This helps to level out the damage caused by horses hooves and help reduce the pastures burden of equine parasites
- 2.4 The applicant's agent advises that shelter should be provided for sheep especially in cold, wet, windy weather, at lambing and after shearing. Very young lambs are particularly susceptible to hypothermia in cold wet weather. Defra regulations state that animals are not meant to poach the ground therefore housing for animals is essential. FABBL requirements state that the space allowance for loose-housed sheep on a solid floor during pregnancy is a minimum of 1.2m² - 1.4m² and 2.0m² - 2.2m² after lambing with lambs at foot up to six weeks of age.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017)
 - S1 Sustainable Development Principles
 - S4 Development in the Countryside
 - PD1 Design and Place Making
 - PD5 Landscape Character
 - EC10 Farm Enterprises and Diversification
 - HC19 Accessibility and Transport
- 3.2 Derbyshire Dales District Council Landscape Character and Design Supplementary Planning Document (2018)
- 3.3 National Planning Policy Framework
- 3.4 National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

- 18/00447/FUL Erection of building to house livestock and store fodder and implements and proposed manege area - Granted

5. CONSULTATION RESPONSES

Town Council

- 5.1 - no objection.

Lead Local Flood Authority (Derbyshire County Council)

- 5.2 - no objection.

Local Highway Authority (Derbyshire County Council)

- 5.3 - no objection subject to all use remaining private and ancillary to Darwin House.

Environmental Health (Derbyshire Dales District Council)

- 5.4 - no objection.

6 REPRESENTATIONS RECEIVED

- 6.1 One letter of representation has been received. A summary of the representation is outlined below:

- no objection to the change of use as described in the planning request 22/00575/FUL, as long as it remains wholly for private use and ancillary to the Darwin House residents
- the property is now for sale, have been made aware that some of the potential purchasers may look to use the property as an equestrian B&B/holiday accommodation, which would object to
- should be noted that there are two covenants on the property that would stop this that would be enforced with regard to use and noise/annoyance
- support the change of use application with the condition that it is solely as a private family residence.

7 OFFICER APPRAISAL

Background - Introduction

- 7.1 The building and manège have planning permission. In this respect, the principal issues to consider are whether the proposals result in any visual impact upon the wider landscape, the impact of the keeping of horses and livestock in close proximity to the residential property and whether the proposals could lead to any highway safety concerns..

Impact on the Character and Appearance of the Landscape

- 7.2 The building and manège are in situ and relate reasonably well to the dwellings and buildings in close proximity. The use of the building will have little impact upon its appearance or is operated and that the proposals will have no additional visual impact upon the surrounding countryside.

Impact on Residential Amenity

- 7.3 The applicant's dwelling is the closest domestic property. The keeping of sheep and horses in such close proximity is considered to be acceptable. However, the keeping of other livestock, such as pigs or chickens, may have amenity impacts and, therefore, it is considered necessary to restrict the keeping of these animals via condition, as with the

previous planning permission. Given the exposed location of the manège and associated dark skies, it is necessary to remove the right to install lighting to prevent any significant visual intrusion and light pollution, again in accordance with the previous planning permission.

7.4 Neighbouring residents have raised some concern with regard to the potential for impact on their amenity. Whilst, in principle, having no objection to the change of use as described in the planning application, this is as long as it remains wholly for private use and ancillary to the Darwin House residence. However, as the property is now for sale, the neighbours advise that they have been made aware that some of the potential purchasers may look to use the property as an equestrian B&B/holiday accommodation, to which they would object. Whilst not necessarily a planning matter, the neighbours advise that there are two covenants on the property that would stop this and that they would enforce. It is advised that the covenants state:

4.1 Not to use the Property for any purpose other than as or incidental to one private residential dwelling and not to use the Property for any trade or business. The Transferor can use the Property for the keeping of their own animals, for a livery and for the making hay from the land.

4.2 Not to do or permit or suffer to be done on the Property anything which may be or become a nuisance or annoyance or cause damage to the Transferor or to the owners tenants or occupiers of any adjoining or neighbouring property.

To this end, the neighbours advise that, whilst they support the change of use application, that this is with the condition that the dwelling house is used solely as a private family residence. The proposal is considered to be acceptable in terms of amenity on planning grounds and it would not be reasonable or necessary to repeat such a restriction on any planning permission.

Highway Matters

7.5 For reasons of highway safety it is considered necessary to restrict the use of the manège to be for private non-commercial use only, as was also advised by the Local Highway Authority with the previous planning permission. This can be attached as a condition to any grant of planning permission.

Flooding and Drainage

7.6 The Lead Local Flood Authority have no objection to the proposals.

Conclusion

7.7 The principal matter for concern is how the property may be utilised. There are clearly no objections to the facilities, the subject of this application, being for personal and private use of the occupants of Darwin House but it is considered unreasonable to go so far as to restrict the use of the property to a primary residence. It is considered that, subject to conditions, as set out in the previous grant of planning permission, that the proposed development is can be approved in its context.

8 RECOMMENDATION

8.1 That planning permission be granted subject to the following conditions:

- (1) The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

- (2) The building shall not be used for the keeping of chickens or pigs without the prior written approval of the Local Planning Authority on an application made to it.

Reason:

In order to protect residential amenities in accordance with policy PD1 of the Adopted Local Plan (2017).

- (3) The use of the stables and manège shall only be in connection with the personal and private use of the occupants of Darwin House and shall not be used for any trade or commercial activity.

Reason:

For reasons of highway safety in accordance with policies S4, PD1 and HC19 of the Adopted Local Plan (2017).

- (4) This permission does not convey any authorisation to light the manège. No lighting shall be installed without the prior written approval of the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of visual amenity in accordance with the aims of Policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

NOTES TO APPLICANT:

1. The Local Planning Authority have during the consideration of this application engaged in a positive and proactive dialogue with the applicant which has resulted in the submission of further information which overcame initial concerns of the Lead Local Flood Authority.

2. This decision notice relates to the following documents:

Drawing Nos 1251-001, 003 and 004 and the Supporting Statement received on 25th May 2022.